

UNITED STATES DISTRICT COURT

Southern

District of

New York

Merrill Lynch Business Financial Services Inc.,

SUMMONS IN A CIVIL ACTION

J.S. Suarez, Inc., Ramona Suarez, Matthew Suarez,
U.S. Small Business Administration and "John Doe
#1" through "John Doe #12", are fictitious and
unknown to plaintiff

CASE NUMBER:

07 CIV 9728
JUDGE BUCHWALD

TO: (Name and address of Defendant)

J.S. Suarez, Inc., 5 West 56th Street, New York, NY 10019

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)
Spencer L. Schneider, Esq., 70 Lafayette St, NY, NY 10013

an answer to the complaint which is served on you with this summons, within Twenty (20) days after serv
of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against
for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with
Clerk of this Court within a reasonable period of time after service.

NOV 02 2007

J. MICHAEL McMAHON

CLERK

DATE

Format m/d/yyyy

(By) DEPUTY CLERK

Manuel Quintero

MERRILL LYNCH BUSINESS FINANCIAL SERVICES INC.

Plaintiff(s)

Index #: 07 CV 9728 BUCHWALD

- against -

Date Filed:

J.S. SUAREZ, INC., ETAL

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BYRAN E. MCELDERRY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on November 5, 2007 at 03:12 PM at

5 WEST 56TH STREET
NEW YORK, NY10019

deponent served the within true copy of the SUMMONS & COMPLAINT, CIVIL COVER SHEET, ORDER TO SHOW CAUSE, DECLARATION OF DANIEL J DOWNS, MEMO OF LAW, JUDGES' RULES on J.S. SUAREZ, INC., the defendant/respondent therein named,


CORPORATION by delivering thereat a true copy of each to MR. MATTHEW SUAREZ personally, deponent knew said corporation so served to be the corporation described in said SUMMONS & COMPLAINT, CIVIL COVER SHEET, ORDER TO SHOW CAUSE, DECLARATION OF DANIEL J DOWNS, MEMO OF LAW, JUDGES' RULES as said defendant/respondent and knew said individual to be the GENERAL AGENT thereof.

Deponent further states that he describes the person actually served as follows:

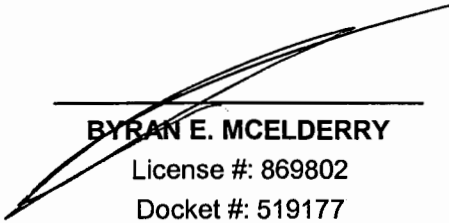
<u>Sex</u>	<u>Skin Color</u>	<u>Hair Color</u>	<u>Age (Approx.)</u>	<u>Height (Approx.)</u>	<u>Weight (Approx)</u>
<u>MALE</u>	<u>BROWN</u>	<u>GREY/BLACK</u>	<u>46</u>	<u>5'10</u>	<u>160</u>

Sworn to me on: November 6, 2007

Linda Forman
Notary Public, State of New York
No. 01FO5031305
Qualified in New York County
Commission Expires August 1, 2010


Robin M. Forman
Notary Public, State of New York
No. 01FO6125415
Qualified in New York County
Commission Expires April 18, 2009

Larry Yee
Notary Public, State of New York
No. 01YE5015682
Qualified in New York County
Commission Expires July 26, 2009


BYRAN E. MCELDERRY
License #: 869802
Docket #: 519177